



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 22, 2005, 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by John Jacquez representing Boy Scouts Troop 168. Mayor Cooper announced that Council Member Halliday was in Minnesota.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Quirk, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBERS Halliday

PUBLIC COMMENTS

Svend La Rose, representing the National Youth Curfew Organization, commented on the Youth Curfew ordinance and suggested it be revised and re-titled at a future meeting to redefine this ordinance as a public nuisance not a youth curfew.

John Super, residing on Myrtle Street, attended the recent Planning Commission Meeting and recommended Council require the installation of solar panels on the roofs of all new development in the Cannery Area.

CONSENT

Consent Item #4 was removed for further discussion.

1. Approval of Minutes of the City Council Meeting of November 15, 2005

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Halliday absent, to approve the minutes of the City Council Meeting of November 15, 2005.

2. Ordinance Adding Article to the Municipal Code Relating to Density Bonus

Staff report submitted by City Clerk Reyes, dated November 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Halliday absent, to adopt the following:

Ordinance 05-15, "Ordinance Adding Article 19 to Chapter 10 of the Hayward Municipal Code Relating to Density Bonus"

3. Stonebrae Country Club Project – Approval of Partial Assignment and Assumption Agreements from Stonebrae, L.P., to Standard Pacific, Toll Brothers and Warmington Group of Companies and Release and Partial Termination of Annexation Agreements

Staff report submitted by City Manager Armas, dated November 22, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried, with Council Member Halliday absent, to adopt the following:

Resolution 05-140, "Resolution Approving the Partial Assignment and Assumption Agreements for the Stonebrae Country Club Project"

Resolution 05-141, "Resolution Approving the Release and Partial Termination of the Annexation Agreements Relative to the Stonebrae Country Club Project"

4. Amend Environmental Services Contract in Connection with the Cannery Area Project and Appropriate Funds

Staff report submitted by Cannery Area Project Manager Dantzker, dated November 22, 2005, was filed.

Council/RA Member Ward asked about the timeline for this project. City Manager/Executive Director Armas noted that this appropriation assists in maintaining the timetable for the construction of the school that will begin in January 2007. This consulting firm has been assisting in working closely with the State to receive the necessary clearances to proceed with the school and will complete this project within the next six months.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and carried, with Council/RA Member Halliday absent, to adopt the following:

RA Resolution 05-23, "Resolution Authorizing the City Manager/Executive Director to Execute a Contract Amendment with Lowney Associates to Provide Additional Environmental Services for the Cannery Area"

RA Resolution 05-24, "Resolution Amending Resolution No. RA-05-12, as amended, the Redevelopment Agency Budget Resolution for Fiscal Year 2005-06, Relating to an Appropriation of Funds from the 2004 Tax Allocation Bond Fund, Fund 454 to Provide Additional Environmental Services for the Cannery Area"



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HEARINGS

5. Appeal of Planning Commission Denial of Use Permit No. PL-2005-0249/Variance No. PL-2005-0250 – St. Michaels Investment, L.P., et al (Applicant/Owner) – Request to Construct a Public Self-Storage Facility with a Variance to Construct a Building on a Property Line Abutting a Mobile Home Park where a 20-Foot Yard is Required - The Project is Located at 28410 Hesperian Boulevard in an Industrial Zoning District

Staff report submitted by Assistant Planner Koonze, dated November 22, 2005, was filed.

Principal Planner Patenaude made the report, indicating that staff agrees with the transition from a mobile home development to an industrial use for a storage facility, but does not agree with the applicant's proposal to have a ten foot building on the property line without a setback. Staff is maintaining that the required setback of twenty feet as required would create an aesthetically pleasing buffer to transition from an industrial to a residential zone. Principal Planner Patenaude reported that the applicant has offered the adjacent neighbors free use of a storage unit for one year or a \$1,000 incentive as a landscaping allowance. He felt that the mobile home park does not have landscaped strips along the edge of the mobile home park and not much common area. The Planning Commission denied the project in September without prejudice so that the applicant could return with the required twenty foot setback. Staff does agree with the Planning Commission to uphold the denial.

Council Member Henson asked about the applicant's findings and points in the appeal application. He asked staff to address the points as there are other projects that don't have the twenty foot landscaped setback. He also asked about television interruption that was the main issue for many residents of the mobile home park who contacted him.

Mayor Cooper opened the public hearing at 8:27 p.m.

Drew Picenti, an attorney, spoke on behalf of the applicant. He showed renderings of the proposed development with the proposed masonry wall that would be constructed. Mr. Picenti argued and showed that a previously approved project was allowed a variance and doesn't have the required setback. He stated that it would not be a viable project if one of the three buildings would need to be removed. He stated that this project would not be conducive for retail because of its shape and would not have the presence on the street as one would desire.

Mark Turnquist, a resident, stated that his mobile home will be immediately impacted. In his opinion, the wall would be a sound barrier for the semi-trucks that continually pass in that area. He favored the development of the storage facility.

Steven Schlereth spoke in favor of the development, and stated that he was not in favor of retail development as it would bring additional disturbances. He is in favor of a ten foot wall, not a chain link fence.

Sven La Rose spoke against the provision for the twenty foot setback and the landscaping, stating that the land is irregular with little frontage and the chain link fence with shrubs could be used by criminals to hide as this is a high crime area.

Council Member Ward asked that Mr. Picenti respond to further questions related to the property line and the proposed landscaping. He requested that Mr. Picenti show the elevation and any proposed revisions to the first submittal. Mr. Picenti showed an elevation of the development with the proposed wall and described the plants that would be maintained along the top, emphasizing the need for a viable project.

Council Member Henson asked Mark Turnquist, a deputy officer, to return to the podium and asked him to speak on behalf of other tenants in the mobile home park. Mr. Turnquist stated that the general consensus was to allow the development of the storage facility. Mr. Turnquist stated that the wall would prevent blight and keep riff raff from congregating. He would plant trees with the \$1,000 allowance from the applicant.

Mayor Cooper closed the public hearing at 8:49 p.m.

Council Member Ward thanked Mr. Picenti for representing the applicant and thought that the architecture was good, but agreed that the Planning Commission decision was the appropriate determination. He commented that the \$1,000 incentive for landscaping seemed inappropriate and would most likely not be used for that purpose. He moved the staff recommendation to uphold the Planning Commission's decision to deny the project.

Council Member Jimenez seconded Council Member Ward's motion.

Council Member Quirk agreed with the motion and cautioned that approving the variance could set a precedent. Council Member Henson also agreed. They thanked the applicant, noting the Council takes all comments seriously. The applicant was advised to redesign the project and return within a year as the decision is without prejudice.

Council Member Dowling thanked the residents of the mobile home park for participating in this discussion. He commented that any project whether industrial or retail would be required to construct a masonry wall, not a chain link fence. He thought that this could be a viable retail project site.

Mayor Cooper spoke against the project. She emphasized that she found it morally irreprehensible for the applicant to go to the residents of Eden Roc Mobile Home Park and offer them money to have the building right on their property line. She considered this a bribe and noted that most of the residents are senior citizens, living on Social Security and fixed incomes. She appreciated the residents that participated in the discussion, but she disagreed that the area is a high crime area and has lived in that area for over forty years. She commented favorably on a dental office in that neighborhood that was formerly a florist that abided with the twenty foot setback and is landscaped



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with trees and landscaping. She strongly objected to the wall on the property line of the mobile home park and noted that sound bounces and the wall would only be good for a portion of the area and noise disturbances would still exist. She allowed Mr. Picenti to speak in this regard, but noted that she would not be supporting this project.

Mr. Picenti spoke defensively, emphasizing that the \$1,000 was a landscaping allowance to mitigate a landscaping buffer. He noted other revisions to the project. He declared that although the perception may seem inappropriate, the intent was sincere.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried, with Council Member Halliday absent, to uphold the Planning Commission's action:

Resolution 05-142, "Resolution Denying the Appeal and Upholding the Planning Commission's Denial of Use Permit No. PL-2005-0249 and Variance No. PL 2005-0250"

6. Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL-2004-0189 Relating to the Oliver East Property

Staff report submitted by City Clerk Reyes, dated November 22, 2005, was filed.

This item was reviewed and introduced at the previous meeting. Mayor Cooper opened and closed the public hearing at 8:59 p.m.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried to adopt the entitled ordinance by the following roll call vote:

Ordinance 05-16, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory in Connection with Zone Change Application PL-2004-0189 Relating to the Oliver East Property"

AYES: Council Members Jimenez, Quirk, Ward, Henson
MAYOR Cooper
NOES: Council Member Dowling
ABSENT: Council Member Halliday
ABSTAINED: None

7. Ordinance Authorizing Execution of Amendment to Mount Eden Business and Sports Park Community Development Agreement

Staff report submitted by City Clerk Reyes, dated November 22, 2005, was filed.

Mayor Cooper acknowledged that this item was placed on this part of the agenda due to the vote at its introduction. She opened and closed the public hearing at 9:03 p.m.

Joseph Fanelli submitted a card, but did not speak. City Manager Armas stated that he spoke with Mr. Fanelli and reassured the Council that Duc Housing concurred that it would not process any zone change amendments until there is opportunity to review the Specific Plan and evaluate the issues more in depth. Discussions could occur next spring.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by the following roll call vote:

Ordinance 05-17, "An Ordinance Authorizing Execution of Amendment to Mount Eden Business and Sports Park Community Development Agreement"

AYES: Council Members Jimenez, Quirk, Ward, Henson
MAYOR Cooper
NOES: Council Member Dowling
ABSENT: Council Member Halliday
ABSTAINED: None

8. Approval of Stonebrae Design Guidelines

Staff report submitted by Acting Planning Manager Patenaude, dated November 22, 2005, was filed.

Planning Manager Anderly provided an overview of the proposed design guidelines that were previously adopted for the Blue Rock Development. As Stonebrae will be a country club development, she provided examples of properties developed in the area and in Southern California using the proposed guidelines that include three-car garages. Some of the proposed homes will be over five thousand square feet on small lots and some are confined by slopes. She outlined the setbacks that could average fifteen feet in the back yard depending on slopes. She noted the Fairview exceptions.

City Manager Armas spoke on the "infamous mound," the dirt fill that is now alongside the Fairview area. He commented on the concerns of the residents of the Prominence subdivision. The Stonebrae representatives recently met with the residents to resolve those issues. He asserted that the Conditions of Approval require a substantial amount of landscaping. He showed the proposed redesign of the mound which is now softened with sidewalk removed on one side and continuous sidewalk on the Prominence side. The equestrian trail has been preserved, but at a lower grade. Planning Manager Anderly pointed out where the parcels had shorter setbacks due to natural slopes.



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Council Member Quirk thanked the developer and staff for working on the concerns of the Fox Hollow Street residents. He appreciated staff addressing the residents' concerns by not allowing accessory structures within the twenty foot setback and requiring sufficient rear yard setbacks out of respect for adjacent properties. He again thanked the developer for working with the neighbors and the project has been improved. He referred to Exhibit D relating to the side yards that abut main streets that will require installation of a masonry wall. He asked for further information. Planning Manager Anderly stated that this requirement would be applied along the corner lots that would require an attractive masonry wall instead of wood.

Council Member Henson referred to the recommendation in the staff report regarding the masonry walls and the asphalt shingles in the Craftsman style. In that regard, City Manager Armas stated that wherever asphalt is used, it would be a high profile type or substance. City Manager Armas also pointed out that Exhibit D was compiled by staff after discussions with the applicant and thus reflects concurrence.

In response to Council Member Ward's question pertaining to setbacks for rear structures along Fairview, Planning Manager Anderly provided an estimate of about 50 to 100 feet from the back of the homes to the street. She noted that the guidelines will not just apply to Village A, but to all of the villages in that development. Setbacks will vary in accordance to style and topography.

Council Member Dowling asked if these revisions would apply to all of the villages. He asked what other setback adjustments may occur. He expressed his concerns for consistency. His recommendation was to perhaps review setbacks in the conventional subdivisions to allow remodeling into front yards as is the trend in new homes. He also asked how the lighting will be installed on the streets.

Planning Manager Anderly responded that in the development of Village C, there may be zero lot lines and setbacks may need to be re-addressed. She reiterated the country club theme that typifies homes with various styles due to topography as compared to conventional subdivisions in a flat area. She discussed the setback history of the Prominence and Bailey developments. The street lights will be lower and mainly at the intersections, not along the street.

Council Member Quirk asked about the street names and the numbers and thought that it seemed somewhat confusing. He noted that the developer has gone through much scrutiny to make this development work and the result is expensive homes on small lots. Planning Manager Anderly responded that the streets will be numbered progressively.

Council Member Jimenez asked about the trees and commented on the reputation of the home builders. He thanked staff for the efforts to bring this project forward. He acknowledged the developer for contributing over 1,000 acres as well as the school. Planning Manager Anderly stated

that the developer would like the entrance to appear as an orchard and plans to have flowering cranberry trees.

Mayor Cooper opened the public hearing at 9:35 p.m.

Robert Burnside stated that he was a member of the Blue Rock Country Club Task Force, the former name for Stonebrae. He commented that it has been over seven years since the committee was established and objected to the plan. He felt that there were too many exceptions to the rules that were established for the area. Mr. Burnside recommended that the guidelines remain as established.

Jessica Lehman, representing CRIL, noted that the guidelines do not address accessibility. She suggested the use of universal design standards in order to address accessibility concerns. She distributed information about it to the Mayor and Council. She suggested good sensibility in building by encouraging one story homes, flat entrances, rounded corners and wider doorways. She also encouraged the "visit-ability" of the homes.

Jewell Spalding asked that Council direct staff to work to expand trail connections, and explore an additional trail connection along Village A. She read from the report related to the establishment of public trails. She urged that there be improved street lighting along Fairview Street to be consistent. Her objective was to verify the statements in the developer's plan.

In response to Mayor Cooper's question related to walls in the development, Planning Manager Anderly reported that there will be see-through fencing involved.

Steve Miller reported that there are six and a half miles of see-through fences in the development. He commented on the tour that was offered last year to demonstrate the concepts of the proposed development and country club design. Also at that tour, the new name of the development was introduced. He ascertained that in a few months, Village A lots, consisting of over 200 homes, will be released to three builders who will build in accordance with the revised design guidelines. He gave an update of the new school that will be completed in May, 2006 and be opened in the fall for 650 students. He summarized the setbacks issue to correlate with the streetscape flexibility. The smallest lots are view lots and thus terraced down towards the bay; these lots with views are covered lots. The larger lots utilize the slopes. He addressed the accessibility issues and noted that trails cannot be changed as they are along cliffs. He commented that this is a country club that will be gated. He thanked Planning Manager Anderly for her nice presentation.

Council Member Dowling thanked Mr. Miller and commented that the house designs are superior. He showed the streetscape for the development by Toll Brothers pointing out specific models that he enjoyed. Mr. Miller showed a computer rendering in responding to Council Member Dowling's question related to setbacks. He urged that locking mailboxes be utilized.

Council Member Quirk asked Mr. Miller to speak regarding the request for accessibility. Mr. Miller stated that the builders are aware and have sensitivity but could not speak directly in that regard. Council Member Quirk stated that the purpose of setbacks is to avoid the cookie cutter look as in some of the flat lands. He felt that the setbacks here are for quality products and agreed with staff in this regard.



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Council Member Jimenez asked to make the motion citing his seniority on the Council.

Council Member Henson asked about the Blue Rock Guidelines in comparison to what is being proposed for the Stonebrae development. Steve Miller provided two reasons, first the City requires that the guidelines need to go forward when the vesting tentative map does. Blue Rock was designed with a country club concept as a theme. This is beyond the scope because it takes the elements of the site to design and that is not what Blue Rock was created for.

Mayor Cooper closed the public hearing at 10:06 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and carried, with Council Member Halliday absent, to revise the design guidelines and adopt the following:

Resolution 05-143, "Resolution Approving Stonebrae Country Club
Design Guidelines"

COUNCIL REPORTS

Council Member Dowling thanked City Manager Armas and the Public Works staff for assisting in placing banners at and near Moreau High School to celebrate its 40th anniversary. He suggested visiting the school website to see what events will occur.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:10 p.m. wishing everyone a Happy Thanksgiving. She also announced that a community meeting will be held at the New England Mobile Home Clubhouse on November 29.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency